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REMARKS

This response is intended as a full and complete response to the final Office Action mailed October 23, 2006. In the Office Action, the Examiner notes that claims 1-20 are pending and rejected. By this response, Applicants have amended independent claims 1, 10 and 20 to further clarify Applicants' invention.

It is to be understood that Applicants, by amending the claims, do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response including amendments.

In view of both the amendment presented above and the following discussion, Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103.

Rejection under 35 U.S.C. §103 of Claims 1-3, 7-17 and 20

The Examiner has rejected claims 1-3, 7-17 and 20 under 35 U.S.C. §103(a) as being unpatentable over Blumenau (U.S. Patent 6,108,637, hereinafter "Blumenau") in view of Stetten (U.S. Patent 3,746,780, hereinafter "Stetten") and Ellis (US 2005/0028208, hereinafter "Ellis"). For reasons stated below, Applicants respectfully submit that the rejection is overcome.

Independent claims 1, 10 and 20 have been amended to further clarify Applicants' invention. Specifically, claim 1 has been amended to recite, in part: "receiving, at a control unit, a directive for a system operator to use a particular terminal remote from the subscriber equipment to monitor a particular channel ...". Claims 10 and 20 have been similarly amended. The amendment is fully supported by the original specification, e.g., p.2, lines 18-22 and p.21, lines 25-28, and no new matter is added.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. The Blumenau, Stetten and Ellis references alone or in combination fail to teach or suggest all of the limitations recited in claim 1, and thus fail to teach or suggest Applicants' invention as a whole.

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As stated by the Examiner, Blumenau and Stetten fail to teach a particular terminal remote from the subscriber equipment. Thus, Ellis is cited for teaching a remote program guide access device remote from the user television equipment, which is used to monitor the user television equipment.

However, Applicants submit that there is no motivation to combine Blumenau or Stetten with the remote access device of Ellis because each reference addresses problems that are quite different from each other.

Specifically, Blumenau teaches a method for monitoring display at a content display site within a computer network (see Abstract). When a request for content is received at a content provider site, the content, as well as monitoring instructions, are transferred to the content display site, e.g., user's terminal or client computer. The monitoring instructions cause the client computer to produce monitoring information, which is then transferred to the content provider site. (Figs. 3A-3C; col. 10, line 52 to col. 11, line 14). In Blumenau, content monitoring is prompted by a request for content from a content display site, and monitoring is performed directly by sending monitoring information to the client computer via the communication line 303. There is no reason in Blumenthal's system, nor is there any suggestion or need, to use an additional terminal or remote computer as a surrogate for monitoring the client computer.

In combining Blumenau with Stetten, the Office Action relied on Stetten for teaching a television distribution system in which a control signal is sent separately from the TV signal over telephone lines to the user (col. 11, lines 21-25).

According to col. 11, lines 9-19 of Stetten, control signals are used to select certain frames for display and/or recording. These control signals are used in a system for selecting predetermined video display information on the basis of identification data (e.g., Abstract). Since the control signals are used to provide (or deny) content access at a user or subscriber equipment, there is no reason why Stetten's invention would require any modifications such as using a terminal remote to the subscriber equipment.

Therefore, Applicants submit that neither Blumenthal nor Stetten provides any motivation for using a terminal remote to the subscriber equipment for monitoring content display at the subscriber site. In fact, the use of a remote terminal (in place of

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the actual client terminal) in either Blumenthal or Stetten would not have served any useful purpose in the context of their respective services or applications.

Furthermore, even if Blumenthal and Stetten were to be combined with Ellis, Applicants submit that the combined teaching still does not render Applicants' invention obvious.

Specifically, the remote program guide access device in Ellis is designed for a user, i.e., a subscriber, to remotely access the user's in-home program guide or to perform various functions related to the user's equipment such as setting program reminders, recording features, parental control, and so on (see, e.g., Abstract, paragraphs 10-11, and Summary of the Invention).

This is very different from Applicants' invention in claim 1, which relates to a method including a directive for a system operator to use a terminal remote from the subscriber equipment to monitor content transmitted to the subscriber equipment. Nowhere does Ellis suggest or teach that the remote access device be used by any system operator for monitoring the user's equipment. Thus, the combined teaching of Blumenau, Stetten and Ellis would not have resulted in Applicants' claim 1.

As such, Applicants submit that independent claim 1 is patentable under 35 U.S.C. §103(a) over Blumenau in view of Stetten and Ellis. Claims 10 and 20 recite relevant limitations similar to those recited in independent claim 1. Accordingly, independent claims 10 and 20 also are patentable under 35 U.S.C. §103(a) over Blumenau in view of Stetten and Ellis.

Furthermore, claims 2-3, 7-9, and 11-17 depend, either directly or indirectly, from independent claims 1 and 10 and recite additional limitations thereof. As such, and at least for the same reasons as discussed above, Applicants submit that these dependent claims are patentable under 35 U.S.C. §103(a) over Blumenau in view of Stetten and Ellis. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claims 4-5 and 18-19

The Examiner has rejected claims 4-5 and 18-19 under 35 U.S.C. §103(a) as being unpatentable over Blumenau, Stetten and Ellis as applied to claim 1/17 above,

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and further in view of Sitnik (US-2002/0010935A1, hereinafter "Sitnik"). Applicants respectfully traverse the rejection.

Claims 4-5 and 18-19 depend directly or indirectly from independent claims 1 and 17. For at least the reasons discussed above, Blumenau, Stetten and Ellis fail to teach or suggest Applicants' invention as recited in claims 1 and 17. Furthermore, no argument has been put forth in the Office Action that Sitnik supplies the teaching that is missing in either Blumenau, Stetten or Ellis.

Accordingly, any attempted combination of the Blumenau, Stetten and Ellis references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 4-5 and 18-19 are patentable under 35 U.S.C. §103(a) over Blumenau, Stetten and Ellis as applied to claim 1/17 above, and further in view of Sitnik. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

35 U.S.C. §103 Rejection of Claim 6

The Examiner has rejected claim 6 under 35 U.S.C. §103(a) as being unpatentable over Blumenau, Stetten and Ellis as applied to claim 1 above, and further in view of Simsic (U.S. Patent 6,269,484, hereinafter "Simsic"). Applicants respectfully traverse the rejection.

Claim 6 depends directly from independent claim 1. For at least the reasons discussed above, Blumenau, Stetten and Ellis fail to teach or suggest Applicants' invention as recited in claim 1. Furthermore, no argument has been put forth in the Office Action that Simsic supplies the teaching that is missing in either Blumenau, Stetten or Ellis.

Accordingly, any attempted combination of the Blumenau, Stetten and Ellis references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claim 6 is patentable under 35 U.S.C. §103(a) over Blumenau, Stetten and Ellis as applied to claim 1 above,

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and further in view of Simsic. Therefore, Applicants respectfully request that the Examiner's rejection be withdrawn.

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CONCLUSION

Thus, Applicants submit that none of the claims presently in the application are anticipated or obvious under the provisions of 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 12/21/06



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